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*Counsel for Defendant Federal Reserve Bank of Kansas City*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

CUSTODIA BANK, INC.,

*Plaintiff,*

v.

FEDERAL RESERVE BOARD OF  
GOVERNORS and FEDERAL RESERVE  
BANK OF KANSAS CITY,

*Defendants.*

No. 1:22-cv-00125-SWS

**DECLARATION OF ANDREW MICHAELSON IN SUPPORT OF DEFENDANT  
FEDERAL RESERVE BANK OF KANSAS CITY'S MOTION TO STRIKE REPORTS  
AND EXCLUDE THE TESTIMONY OF PROFESSOR PETER CONTI-BROWN**

I, Andrew Michaelson, declare as follows:

1. Attached hereto as Exhibit 1 is a true and accurate copy of the Expert Report of Dr. Peter Conti-Brown.
2. Attached hereto as Exhibit 2 is a true and accurate copy of excerpts from the transcript of the deposition of Dr. Peter Conti-Brown, dated December 14, 2023.
3. Attached hereto as Exhibit 3 is a true and accurate copy of a draft of Professor Julie Andersen Hill's article titled "Bank Access to Federal Reserve Accounts and Payment Systems," dated March 30, 2022.
4. Attached hereto as Exhibit 4 is a true and accurate copy of a letter, dated June 4, 1985, from the Federal Reserve Bank of Dallas with a policy statement on large-dollar wire transfer systems.
5. Attached hereto as Exhibit 5 is a true and accurate copy of Operating Circular No. 1, dated January 2, 1998, from the Federal Reserve Bank of Dallas.
6. Attached hereto as Exhibit 6 is a true and accurate copy of the Federal Register entry, dated December 1, 2004, containing the notice "Policy on Payments System Risk."
7. Attached hereto as Exhibit 7 is a true and accurate copy of a document, dated August 18, 2014, with the title "Guidance for Federal Reserve Financial Services Applicants That Are Deemed High Risk by the Federal Reserve Bank of New York."
8. Attached hereto as Exhibit 8 is a true and accurate copy of a document, dated June 2019, with the title "New Account Opening Eligibility and De Novo Service Use Eligibility Determination and Approval Procedure."

9. Attached hereto as Exhibit 9 is a true and accurate copy of a document titled “Reserve Bank Condition Monitoring Standards and Practices,” last revised September 15, 2023.

10. Attached hereto as Exhibit 10 is a true and accurate copy of an email from Tara Humston with subject line “Call with Katherine Carroll – Avanti,” dated November 11, 2020, bearing the beginning Bates number FRBKC-00010263.

11. Attached hereto as Exhibit 11 is a true and accurate copy of the Expert Report of Professor Morgan Ricks.

12. Attached hereto as Exhibit 12 is a true and accurate copy of Professor Arthur Wilmarth Jr.’s 2023 article “We Must Protect Investors and Our Banking System from the Crypto Industry” appearing in the 101st volume of the Washington University Law Review.

13. Attached hereto as Exhibit 13 is a true and accurate copy of materials entered as Exhibit 225 in the November 16, 2023 deposition of the Federal Reserve Bank of Kansas City’s Rule 30(b)(6) witness.

14. Attached hereto as Exhibit 14 is a true and accurate copy of the Supplemental Expert Report of Dr. Peter Conti-Brown.

15. Attached hereto as Exhibit 15 is a true and accurate copy of excerpts from the transcript of the deposition of Esther George, dated November 9, 2023.

16. Attached hereto as Exhibit 16 is a true and accurate copy of excerpts from the transcript of the deposition of Judith Hazen as Rule 30(b)(6) witness, dated November 16, 2023.

17. Attached hereto as Exhibit 17 is a true and accurate copy of the Federal Reserve Board of Governors internal guidance letter S-2677, bearing the beginning Bates number FRB-

AR-000014.

18. Attached hereto as Exhibit 18 is a true and accurate copy of a document, dated August 16, 2023, with the title “Account Access Guidelines – FRS Internal Implementation Handbook” and bearing the beginning Bates number FRBKC-00017290.

19. Attached hereto as Exhibit 19 is a true and accurate copy of the Federal Register entry, dated August 19, 2022, containing the final guidance “Guidelines for Evaluating Account and Services Requests.”

20. Attached hereto as Exhibit 20 is a true and accurate copy of a draft memorandum with subject line “Custodia Bank, Inc. (fka Avanti Bank & Trust) Master Account Recommendation,” bearing the beginning Bates number FRB-AR-000326.

21. Attached hereto as Exhibit 21 is a true and accurate copy of a draft memorandum with subject line “Custodia Bank, Inc. (fka Avanti Bank & Trust) Master Account Recommendation,” bearing the beginning Bates number FRB-AR-000315.

22. Attached hereto as Exhibit 22 is a true and accurate copy of a compilation of documents produced by TNB USA Inc. to Williams & Connolly on June 23, 2023 and entered as Exhibit 306 in the December 14, 2023 deposition of Dr. Peter Conti-Brown.

Date: January 26, 2024

/s/ Andrew Michaelson

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**CERTIFICATE OF SERVICE**

I certify the foregoing ***Declaration of Andrew Michaelson in Support of Defendant Federal Reserve Bank of Kansas City's Motion to Strike Reports and Exclude the Testimony of Professor Peter Conti-Brown*** upon all parties to this action pursuant to the Federal Rules of Civil Procedure via CM/ECF on January 26, 2024.

*Shannon M. Ward*

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